

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELANIE TOTO,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 02-CV-4018
SOUTHEASTERN PENNSYLVANIA	:	
TRANSPORTATION AUTHORITY,	:	
	:	
Defendant.	:	

**DEFENDANT'S RESPONSE TO MOTION OF  
PLAINTIFF'S COUNSEL FOR LEAVE TO WITHDRAW AS COUNSEL**

Defendant, the Southeastern Pennsylvania Transportation Authority ("SEPTA"), by its attorneys, Miller, Alfano & Raspanti, P.C., respectfully submits this Response to Motion of Plaintiff's Counsel for Leave to Withdraw as Counsel. In support thereof, Defendant avers as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted in part; denied in part. It is admitted that there is no discovery deadline in this case nor has a trial date been set. It is denied that there has been no Rule 16 Conference conducted. Defendant's multiple attempts at scheduling such a conference and Defendant's suggested deadlines were ignored by Plaintiff.

5. Denied as stated. It is admitted only that Plaintiff alleges employment discrimination. It is denied that Defendant violated any of Plaintiff's rights or engaged in any wrongdoing whatsoever in connection with Plaintiff's employment with SEPTA.

6. Denied. Defendant is without information sufficient to form a belief as to the truth of this averment. By way of further response, Defendant avers that it has vigorously defended this civil action and made clear to Plaintiff's attorney that it would not settle this civil action. Furthermore, Defendant put Plaintiff's attorney on notice that there was no legal or factual basis for this action.

7. Denied. This averment states a conclusion of law to which no response is required.

8. Denied. This averment states a conclusion of law to which no response is required.

9. Denied. This averment states a conclusion of law to which no response is required.

10. Denied. Defendant is without information sufficient to form a belief as to the truth of this averment.

WHEREFORE, SEPTA does not oppose the Motion of Plaintiff's Counsel for Leave to Withdraw as Counsel. SEPTA does, however, preserve its rights against Plaintiff and her counsel for filing and pursuing an action that has no basis in fact or law.

Respectfully submitted,

MILLER, ALFANO & RASPANTI, P.C.

By:

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Attorneys for Defendant  
Southeastern Pennsylvania  
Transportation Authority

Dated: April 9, 2003

**CERTIFICATE OF SERVICE**

I, Kathleen S. O'Connell, Esquire, hereby certify that a copy of the foregoing Defendant's Response to Motion of Plaintiff's Counsel for Leave to Withdraw as Counsel has been served this date on the following individual and in the manner indicated:

**VIA FIRST CLASS MAIL**

James B. Mogul, Esquire  
Lowenthal & Abrams, P.C.  
555 City Line Avenue, Suite 440  
Bala Cynwyd, PA 19004

Counsel for Plaintiff, Melanie Toto

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Date: April 9, 2003